IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.1349 OF 2004
WITH
CIVIL APPLICATION NO.1313 OF 2006

Dasharath Bhiva Gaikwsad. ...Appellant.
Vs.
Chinchwad Devsthan Trust & Ors. ...Respondents.

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Mr. V.G. Mujumdar for the Appellant.
None for the Respondents.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 10, 2007.

P.C.:

The Additional District Judge at Baramati has dismissed the appeal arising out of a decree passed by the Civil Judge, Junior Division, Baramati, for possession. The lands in question belong to a Devasthan Trust. The Appellate Court has correctly held that Exh.65 which is a letter addressed by the Manager of the Trust could not have created a leasehold interest for a period of 99 years in the absence of a registered instrument. There was no resolution of the trust and no mention therein of the property number or the

boundaries. The Appellant, in fact, has been held to be an encroacher by the Learned Trial Judge. No substantial question of law is raised. The Second Appeal is dismissed.

In view of the dismissal of the Second Appeal, the Civil Application does not survive and is disposed of.

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